

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75206 of 2023

Arising Out of PS. Case No.-108 Year-2009 Thana- GOVERNMENT OFFICIAL COMP.
District- Lakhisarai

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NAGO KEWAT, age about 63 years (M), SON OF INAR KEWAT @ INDRA KEWAT, R/O VILLAGE- GANGTA, P.S.- LAKHISARAI, DISTRICT- LAKHISARAI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Advocate
For the Opposite Party/s : Mr.Rabindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 29-11-2023 Heard Mr. Rajesh Kumar, learned counsel appearing on behalf of the petitioner and Mr. Rabindra Kumar, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Lakhisarai Excise Case No. 108 C 2 of 2009 registered for the offence(s) punishable under Section 47(f) of the Bihar Prohibition and Excise Act

3. As per the allegation, 300 kg of Jawa Mahua was recovered near an *Aahar* of Gangta Basti.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and has been falsely implicated in this case. It is further submitted that recovery of the alleged *Jawa Mahua* was made from an open place which is accessible to anyone and petitioner has no



concern with the seized *Jawa Mahua*. It is further submitted that though petitioner has criminal antecedents of five cases but he is on bail in all the said cases.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation and also the fact that recovery of the *Jawa Mahua* was made from an open place, which is accessible to anyone, I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-V-cum-Special Excise Court-II, Lakhisarai in connection with Lakhisarai Excise Case No. 108 C 2 of 2009, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

Sanjay/-

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